

## **REMARKS/ARGUMENTS**

Claims 13-30 are pending in the instant application. Applicant gratefully acknowledges the indication of allowable subject matter in claims 18 and 28.

### **Amendments to the Claims**

Claim 28 is amended above to recite “a second microcomputer” at the last paragraph, as indicated in the Office Action (p. 2), in order to obviate the objection for improper antecedent basis. No new matter has been added.

### **Objections to the Claims**

Claim 28 was objected to for improper antecedent basis. By the above amendment, the claims has been amended as indicated in the Office Action. Favorable reconsideration and withdrawal of the objection is kindly requested.

### **Rejection under 35 U.S.C. § 103**

Claims 13-17, 19-24, 27 and 29 are rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,627,583 to Nakamura, *et al.* (“Nakamura”) in view of U.S. Patent No. 4,831,444 to Kato (“Kato”). Applicant respectfully traverses the rejection, for at least the following reasons.

Independent claim 13 recites an endoscope comprising, *inter alia*,

... an adjusting circuit including a timing adjusting section for performing timing adjustment of the drive signal by receiving and thereafter delaying the drive signal generated by the drive signal generating section in accordance with a delay time and transmitting the delayed drive signal to the solid-state image pickup device...

Independent claim 27 reviews an endoscope having first and second endoscopes, with respective first and second adjusting circuits as recited above with reference to claim 13. The Office Action admits that this feature is neither taught nor suggested in Nakamura. The Office Action proposes a combination with Kato to remedy this deficiency of Nakamura reative to the claims, and avers that the presently claimed feature is supplied by Kato. Applicant respectfully disagrees.

Kato, and particularly the portion relied upon by the Office Action (Fig. 15; Col. 9, line 67 - Col. 10, line 22), discloses that a drive pulse transmitted from a drive pulse generator (22) through signal line (18) is also transmitted back via signal line (16) and through a delay circuit

(36). However, contrary to the feature of instant claim 13, the delay circuit does not “delay[] the drive signal generated by the drive signal generating section in accordance with a delay time,” nor does it “transmit[] the delayed drive signal to the solid-state image pickup device.” Therefore, according to Kato, the delayed drive signal is not transmitted by the delay circuit to any solid state image pickup device. Rather, according to Kato, the delayed drive signal is transmitted to a phase comparitor (38). Kato further teaches that the output of the phase comparitor (38) if sent through a VCO (34) to affect the phase of the drive pulse signal. Therefore, Kato is contrary to claims 13 and 27.

Turning to claim 14, this claim recites

The endoscope according to claim 13, wherein the general-purpose video signal processing circuit and the adjusting circuit are disposed in an operational section arranged at a proximal end of the insert section.

The Office Action avers that this feature is taught in Kato, stating “Kato’s adjusting circuit appears to be disposed in an operation section arranged close to a proximal end of the insertion section.” (Office Action, p. 5) Applicant Respectfully disagrees.

Kato discloses “A video camera device in which camera head and signal processing circuit are provided separately and connected to each other by cable.” (Abstract) Further, Kato states “This invention relates to a video camera device, in which a camera head and a signal processing unit are provided as separate components and connected to each other by a signal line.” (Col. 1, lines 7-10) On the other hand, Nakamura states “The present invention relates to an electroendoscope apparatus to which a plurality of types of endoscopes having different types of solid-state imaging devices are connected.” (Col. 1, lines 8-10)

Taken together, these statements of Kato and Nakamura both describe apparatus where the insertion section of the endoscope are separate from a general-purpose video signal processing circuit, adjusting circuit, or the like. By contrast, claim 14 recites that the general-purpose video signal processing circuit and adjusting circuit are disposed in an operational section, and more particularly at arranged at a proximal end of the insert section. Claim 14 is further distinguished over Kato and Nakamura, taken singly or in combination.

It is well settled that in order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981,

180 USPQ 580 (CCPA 1974). Therefore, because neither Nakamura nor Kato teach or suggest all features recited in claims 13 or 27, Applicant respectfully submits that the claim is non-obvious over both references, taken singly or in combination.

Claims 14-17, 19-26 and 29-30 each depend, either directly or indirectly, from independent claim 13. These dependent claims are each separately patentable, including for the reasons set forth above. In addition, all dependent claims are offered as patentable for at least the same reasons as their underlying independent base claim, the features of which are incorporated by reference. Therefore, Applicant respectfully submits that claims 13-17, 19-24, 27 and 29 are patentable over Nakamura and Kato, and kindly requests favorable reconsideration and withdrawal of the rejection.

Claims 25-26 and 30 are rejected under 35 U.S.C. § 103 as obvious over Nakamura in view of Kato as applied to claim 13, and further in view of U.S. Patent No. 5,368,015 to Wilk (“Wilk”). Applicant respectfully traverses the rejection, for at least the following reasons.

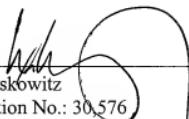
Claims 25-26 and 30 each depend from independent claim 13. Even presuming that Wilk teaches what is attributed to it, and further that there is some objective reason for one of ordinary skill in the art to combine Wilk with Nakamura and Kato as proposed in the Office Action, Wilk does not offer, nor is it alleged to, any teaching or suggestion pertaining to the adjusting circuit recited in claim 13. Therefore, Wilk does not ameliorate the deficiencies of Nakamura and Kato relative to underlying independent base claim 13. Therefore, for the reasons discussed above, Applicant respectfully submits that claims 25-26 and 30 are patentably distinguished over Nakamura, Kato and Wilk, taken singly or in any combination. Favorable reconsideration and withdrawal of the rejection is kindly requested.

**Conclusion**

In light of the foregoing, Applicant respectfully submits that the claims are patentable, and an early and favorable Notice of Allowability is kindly requested.

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